

## **IC 4-15-2**

### **Chapter 2. State Merit Employment**

## **IC 4-15-2-1**

### **Short title**

Sec. 1. This chapter shall be known and may be cited as the "State Personnel Act". This chapter shall be liberally construed to effectuate its policies and purposes to increase governmental efficiency, to ensure the appointment of qualified persons to the state service solely on the basis of proved merit, to offer any person a fair and equal opportunity to enter the state service, and to afford the employees in state service an opportunity for public service and individual advancement according to fair standards of accomplishment based upon merit principles. To these ends there is by this chapter established a personnel system based on merit and scientific methods relating to the appointment, compensation, promotion, transfer, lay off, removal, and discipline of employees and to other incidents of state employment.

*(Formerly: Acts 1941, c.139, s.1; Acts 1965, c.369, s.1; Acts 1971, P.L.35, SEC.1; Acts 1974, P.L.7, SEC.1.) As amended by P.L.1-1990, SEC.12.*

## **IC 4-15-2-2**

### **Persons covered**

Sec. 2. Except as provided in IC 4-15-1.8-7(d), all persons covered on January 1, 1966, by this chapter or coming under the provisions of this chapter after January 1, 1966, shall be eligible for, shall participate in, and shall receive the benefits of the public employees retirement program as provided by IC 5-10.2 and IC 5-10.3.

*(Formerly: Acts 1941, c.139, s.1a; Acts 1965, c.286, s.1.) As amended by P.L.5-1984, SEC.66; P.L.224-2003, SEC.40.*

## **IC 4-15-2-2.1**

### **"Appointing authority" defined**

Sec. 2.1. "Appointing authority" means the head of a department, division, board, commission, individual, or group of individuals who has the power by law or by lawfully delegated authority to make appointment to positions in the state service.

*As added by P.L.1-1990, SEC.13.*

## **IC 4-15-2-2.2**

### **"Board" defined**

Sec. 2.2. "Board" means the Indiana personnel advisory board created by IC 4-15-2.

*As added by P.L.1-1990, SEC.14.*

## **IC 4-15-2-2.3**

### **"Class" or "class of positions" defined**

Sec. 2.3. "Class" or "class of positions" means a group of

positions in the state classified service sufficiently similar in duties, authority, and responsibility that:

- (1) the same qualifications may reasonably be required for; and
- (2) the same schedule of pay can be equitably applied to;

all positions in the group.

*As added by P.L.1-1990, SEC.15.*

#### **IC 4-15-2-2.4**

##### **"Classified service" defined**

Sec. 2.4. "Classified service" means all offices and positions of trust and employment in the state service except those placed in the unclassified service by IC 4-15-2-7.

*As added by P.L.1-1990, SEC.16.*

#### **IC 4-15-2-2.5**

##### **"Commission" defined**

Sec. 2.5. "Commission" means the state employees appeals commission created by IC 4-15-1.5.

*As added by P.L.1-1990, SEC.17.*

#### **IC 4-15-2-2.6**

##### **"Department" defined**

Sec. 2.6. "Department" means the Indiana personnel advisory board, the state personnel director, and the employees of the board and the director.

*As added by P.L.1-1990, SEC.18.*

#### **IC 4-15-2-2.7**

##### **"Director" defined**

Sec. 2.7. "Director" means the state personnel director provided for by IC 4-15-2.

*As added by P.L.1-1990, SEC.19.*

#### **IC 4-15-2-2.8**

##### **"Division of the service" defined**

Sec. 2.8. "Division of the service" means:

- (1) a state department;
- (2) a division or branch of a state department;
- (3) any agency of the state government; or
- (4) a branch of the state service;

all the positions of which are under the same appointing authority.

*As added by P.L.1-1990, SEC.20.*

#### **IC 4-15-2-2.9**

##### **"Eligible" defined**

Sec. 2.9. "Eligible" means an individual whose name is on the reemployment, promotion, or eligible list for a given class.

*As added by P.L.1-1990, SEC.21.*

Repealed

*(Repealed by P.L.1-1990, SEC.22.)*

**IC 4-15-2-3.1****"Eligible list" defined**

Sec. 3.1. "Eligible list" means a list of individuals who have been found qualified by an entrance test for appointment to a position in a particular class.

*As added by P.L.1-1990, SEC.23.*

**IC 4-15-2-3.2****"Entrance test" defined**

Sec. 3.2. "Entrance test" means a test for positions in a particular class, admission to which is not limited to individuals employed in the state service.

*As added by P.L.1-1990, SEC.24.*

**IC 4-15-2-3.3****"Promotion list" defined**

Sec. 3.3. "Promotion list" means a list of regular employees who have been found qualified by a promotion test for appointment to a position in a particular class.

*As added by P.L.1-1990, SEC.25.*

**IC 4-15-2-3.4****"Promotion test" defined**

Sec. 3.4. "Promotion test" means a test for positions in a particular class, admission to which is limited to regular employees in the classified service who have held a position in another class.

*As added by P.L.1-1990, SEC.26.*

**IC 4-15-2-3.5****"Public hearing" defined**

Sec. 3.5. "Public hearing" means a hearing held after notice as provided in IC 4-15-2 in which an individual may have a reasonable opportunity to be heard.

*As added by P.L.1-1990, SEC.27.*

**IC 4-15-2-3.6****"Reemployment list" defined**

Sec. 3.6. "Reemployment list" means a list of individuals who have been regular employees in a particular class in the state service but have been separated from the service and are entitled to have their names certified for appointment to a position in that class.

*As added by P.L.1-1990, SEC.28.*

**IC 4-15-2-3.7****"Regular employee" defined**

Sec. 3.7. "Regular employee" means an employee who has:

- (1) met the minimum qualifications;
- (2) passed the examination;
- (3) completed the working test period; and
- (4) been certified by the appointing authority;

for a class of positions.

*As added by P.L.1-1990, SEC.29.*

#### **IC 4-15-2-3.8**

##### **"State service" defined**

Sec. 3.8. "State service" means public service by:

- (1) employees and officers, including the incumbent directors, of the county offices of family and children; and
- (2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Central State Hospital, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of fire and building services, state emergency management agency (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family and children, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department.

*As added by P.L.1-1990, SEC.30. Amended by P.L.21-1991, SEC.1; P.L.2-1992, SEC.35; P.L.1-1993, SEC.19; P.L.4-1993, SEC.2; P.L.5-1993, SEC.13; P.L.1-1994, SEC.9; P.L.21-1995, SEC.5; P.L.12-1996, SEC.4; P.L.24-1997, SEC.1; P.L.272-1999, SEC.2; P.L.119-2000, SEC.1; P.L.215-2001, SEC.2; P.L.2-2003, SEC.15.*

#### **IC 4-15-2-4**

##### **Appointments; promotions; transfers**

Sec. 4. All appointments to positions in classified service shall be made on the basis provided in this chapter. The appointment, promotion, demotion, transfer, layoff, removal, and discipline of employees and other incidents of state employment with respect to each division of the service shall be governed by the provisions of this chapter and every appointing authority shall, in respect to matters of state employment, be governed and limited by the system of personnel administration created by this chapter.

*(Formerly: Acts 1941, c.139, s.3.) As amended by P.L.5-1984, SEC.67.*

#### **IC 4-15-2-5**

##### **Board; powers and duties**

Sec. 5. The board is authorized and required to do the following:

- (1) To make investigations concerning the enforcement and effect of the provisions of this chapter.
- (2) To keep minutes of its proceedings which shall be open to public inspection.
- (3) To advise the state personnel director on matters pertaining to state personnel policies and practices.

*(Formerly: Acts 1941, c.139, s.6; Acts 1971, P.L.35, SEC.6; Acts 1973, P.L.20, SEC.2.) As amended by Acts 1977, P.L.30, SEC.2; Acts 1982, P.L.23, SEC.11.*

#### **IC 4-15-2-6**

##### **Director; powers and duties**

Sec. 6. (a) The director shall direct and supervise all administrative and technical activities. In addition to the duties imposed elsewhere in this chapter, the director shall do the following:

- (1) Establish and maintain a roster of all employees in the state service. Prepare or cause to be prepared and recommend a classification and pay plan. Administer the classification and pay plan. Allocate all positions in the state service to their proper class. Formulate eligible lists. Certify persons qualified for appointment. Certify employees for transfer, demotion, promotion, suspension, layoff, and dismissal. Rate employees' services. Arrange with heads of the divisions of the service for employee training. Attend to and perform all other duties imposed by this chapter.
- (2) Appoint, under this chapter, such employees of the department and such experts and special assistants as may be necessary to carry out effectively this chapter.
- (3) Investigate systems of appointment and promotion already in operation in various departments or divisions of the state government.
- (4) Investigate and approve the need for positions, existing and to be created, in the state service.
- (5) Investigate from time to time the operation and effect of this chapter and of the rules and report the director's findings and

recommendations to the board.

(6) Administer, enforce, and make effective this chapter and the rules. Discharge all duties imposed upon the director by the board, and perform any other lawful acts which the director may consider necessary or desirable to carry out the purposes of this chapter.

(b) The director shall appoint one (1) or more employees of the department to be the director's deputies.

(c) The director shall employ such expert or special examiners for the conduct of tests as may be required. The director may select officers or employees in the state service to act as examiners in the preparation and rating of tests. An appointing authority may excuse any employee in the authority's division of the service from the employee's regular duties for the time required for work as an examiner. Officers and employees shall not be entitled to extra pay for their service as examiners, but shall be entitled to reimbursement for necessary traveling and other expense.

(d) The director shall adopt rules under IC 4-22-2 as the director may consider necessary, appropriate, or desirable to carry out this chapter.

(e) The director shall institute an employee awards system designed to encourage state employees to submit suggestions that will reduce the costs, or improve the quality, of state services. All full-time employees are eligible to receive suggestion awards except:

- (1) members of boards and commissions;
- (2) the chief executive officer of any agency or institution, the officer's principal deputies or assistants; or
- (3) persons whose normal job duties include cost analyses.

(f) A state suggestion committee shall determine the amount of any award to be given under subsection (e). The state suggestion committee consists of the state personnel director, the director of the budget agency, and the state examiner of the state board of accounts. Any officer of state who is made a member of the suggestion committee may delegate that responsibility to a subordinate employee.

*(Formerly: Acts 1941, c.139, s.7; Acts 1949, c.235, s.2; Acts 1971, P.L.35, SEC.7; Acts 1973, P.L.20, SEC.3; Acts 1973, P.L.21, SEC.1.) As amended by Acts 1978, P.L.6, SEC.4; Acts 1982, P.L.23, SEC.12; P.L.27-1988, SEC.1.*

## **IC 4-15-2-7**

### **State service; divisions**

Sec. 7. (a) The state service is divided into the unclassified service and the classified service as follows:

(1) The unclassified part of the state service consists of the following:

(A) All inmate help in all state penal, charitable, correctional, and benevolent institutions.

(B) One (1) confidential secretary for each chief administrative officer in each of the state agencies covered

by the definition of state service.

(C) The unemployment insurance review board of the department of workforce development.

(2) The classified part of the state service includes all civil offices and positions in the state service on May 1, 1941, other than those in the unclassified service.

(b) This section shall not be construed to include in the state service any person or persons who are excluded from the definition of state service.

*(Formerly: Acts 1941, c.139, s.8; Acts 1949, c.235, s.3.) As amended by P.L.5-1984, SEC.68; P.L.18-1987, SEC.4; P.L.1-1990, SEC.31; P.L.21-1995, SEC.6.*

#### **IC 4-15-2-8**

##### **Additional agencies or institutions**

Sec. 8. (a) Whenever additional agencies or institutions are brought within the provisions of this chapter, either through a separate statute or by amendment to this chapter, persons in such agencies or institutions who are in and have been in positions or similar positions in the state service not theretofore subject to the merit provisions of this chapter shall be entitled to continue to hold such positions until they have an opportunity to acquire regular status. Persons who have been in the same or similar positions for six (6) months or more shall receive regular status by passing a noncompetitive qualifying examination for the classification to which their position has been allocated. Persons with less than six (6) months' service in the same or similar positions shall hold their positions temporarily subject to the entrance examination requirements of this chapter. All qualifying examinations shall be held within one (1) year after the agency or institution is brought under this chapter, unless the period for holding such examinations is extended by the board with adequate reasons for such extension made a part of the official minutes of the board.

(b) Upon the recommendation of the director and the approval of the board, those employees in any department or division of the state government who have been appointed under a merit system satisfactorily complying with the provisions of this chapter may be brought into the classified service without examination and retain their existing position.

*(Formerly: Acts 1941, c.139, s.9; Acts 1949, c.235, s.4.) As amended by P.L.5-1984, SEC.69.*

#### **IC 4-15-2-9**

##### **Classified service; classification plan**

Sec. 9. (a) The director, after consultation with appointing officers and other qualified authorities, shall ascertain or cause to be ascertained the duties, authority and responsibilities of all positions in the classified service. The director shall prepare a classification plan, which shall group all positions in the classified service in classes, based on their duties, authority and responsibilities. The

classification plan shall set forth, for each class of positions, the class title and a statement of the duties, authority and responsibilities thereof. Each class of positions may be subdivided, and classes may be grouped and ranked in such manner as considered appropriate.

(b) Positions shall be reclassified or new positions classified or reallocated or new positions allocated in the same manner as provided for original classification or allocation.

(c) As promptly as practicable after the adoption of the classification plan, and after consultation with appointing authorities, the director shall allocate each position in the classified service to the appropriate class therein on the basis of its duties, authority and responsibilities.

(d) The director shall periodically review the positions in each agency and institution and shall reallocate the positions to the proper classes based on the duties and responsibilities of the position as constituted at the time of his review. Whenever a position is reallocated to a class in a lower pay grade, the employee holding the position at the time of the reallocation shall be paid within the established salary range for the class to which the position is reallocated.

*(Formerly: Acts 1941, c.139, s.10; Acts 1971, P.L.35, SEC.8.) As amended by Acts 1982, P.L.23, SEC.13; P.L.2-1995, SEC.3.*

#### **IC 4-15-2-10**

##### **Class titles**

Sec. 10. Following the adoption of the classification plan and the allocation to the classes therein of positions in the classified service, the class titles or corresponding code numbers set forth therein shall be used to designate such positions in all personnel, accounting, budget, appropriation, and financial records and communications of all state departments, institutions and agencies. No person shall be appointed to or employed in a position in the classified service under a class title which has not been approved by the director as appropriate to the duties to be performed.

*(Formerly: Acts 1941, c.139, s.11; Acts 1949, c.235, s.5.) As amended by Acts 1982, P.L.23, SEC.14.*

#### **IC 4-15-2-11**

##### **Pay plan**

Sec. 11. After consultation with the state budget agency, the director shall prepare and recommend to the governor a pay plan for all employees holding positions for which compensation is not fixed by law. The pay plan shall include employees in the unclassified, as well as the classified service and shall provide, for each class of positions, a minimum and a maximum rate of pay and such intermediate rates of pay as the director considers necessary or equitable. In establishing such rates, the director shall give consideration to the experience in recruiting for positions in the state service, the prevailing rates of pay for the service performed, and for comparable services in public and private employment, living costs,



maintenance or other benefits received by employees, and the state's financial condition and policies. The pay plan shall take effect when approved by the state budget agency and accepted by the governor. *(Formerly: Acts 1941, c.139, s.12; Acts 1971, P.L.35, SEC.9.) As amended by Acts 1982, P.L.23, SEC.15.*

#### **IC 4-15-2-12**

##### **Vacancies in classified service**

Sec. 12. Vacancies in the classified service shall be filled only by:

- (1) appointment from an eligible list certified by the director;
- (2) provisional appointments under section 22 of this chapter;
- (3) temporary appointments made under IC 4-15-1.8-7;
- (4) transfer, promotion or demotion of a regular employee; or
- (5) reinstatement under section 35 of this chapter.

*(Formerly: Acts 1941, c.139, s.13; Acts 1945, c.287, s.1.) As amended by Acts 1982, P.L.23, SEC.16; P.L.12-1983, SEC.7.*

#### **IC 4-15-2-13**

##### **Reemployment lists**

Sec. 13. The director shall establish and maintain reemployment lists, which shall contain the names of persons who have been regular employees and who were separated from their positions for reasons other than fault or delinquency on their part. The order in which names shall be placed on a reemployment list shall be established by the rules. The length of time for which a name shall remain on a reemployment list shall be established by the rules and shall not exceed one (1) year.

*(Formerly: Acts 1941, c.139, s.14.)*

#### **IC 4-15-2-14**

##### **Promotion lists and eligible lists**

Sec. 14. (a) The director shall establish and maintain such promotion lists and eligible lists for the various classes of positions in the classified service as he considers necessary or desirable to meet the needs of the service. On each promotion list and eligible list, the eligibles shall be ranked in the order of their ratings earned in the test given for the purpose of establishing the list.

(b) The director shall determine at the time any promotion list or eligible list is established the period during which the list shall remain in force. The director may consolidate or cancel promotion lists and eligible lists as the needs of the service may require and as authorized by the rules.

*(Formerly: Acts 1941, c.139, s.15.) As amended by Acts 1982, P.L.23, SEC.17.*

#### **IC 4-15-2-15**

##### **Promotion and entrance tests**

Sec. 15. (a) The director shall conduct such promotion tests and entrance tests as he considers necessary for the purpose of establishing promotion lists and eligible lists.

(b) The tests shall be competitive and shall be of such character as to determine the qualifications, fitness, and ability of the persons tested to perform the duties of the class of positions for which a list is to be established. However, in the case of promotions, at the discretion of the director, noncompetitive qualifying examinations may be given to persons with regular status who meet the established qualifications for the positions for which such examinations are to be given. The tests may be written, oral, physical, or in the form of a demonstration of skill, or any combination of these types. The tests may take into consideration such factors, including education, experience, aptitude, capacity, knowledge, character, physical fitness, and other qualifications, as, in the judgment of the director, enter into the determination of the relative fitness of the applicants.

Test scores are valid until:

- (1) the test is revised;
- (2) the applicant requests to be reevaluated or retested;
- (3) the applicant is no longer available or suitable for employment, under rules of the director; or
- (4) one (1) year from the date of an examination, unless the applicant requests annually that the test scores remain valid with respect to him for a second year and a third year.

The director shall notify applicants if a test is revised.

(c) The director shall take all reasonable precaution to keep secret the identity of applicants and examiners when necessary to preserve the integrity of tests.

(d) No question shall be so framed as to elicit information concerning the political or religious opinions or affiliations of an applicant.

(e) When entrance tests are conducted in respect to any institution which is located outside of Marion County, wherever feasible, such tests shall be conducted in the county in which the institution is located.

*(Formerly: Acts 1941, c.139, s.16; Acts 1949, c.235, s.6.) As amended by Acts 1982, P.L.23, SEC.18; P.L.12-1983, SEC.8.*

#### **IC 4-15-2-16**

##### **Qualifications for examination**

Sec. 16. The director may establish qualifications for admission to any test. Subject to such limitations as the director considers in the best interests of the service, admission to tests shall be open to all persons who appear to possess the required qualifications and may be lawfully appointed to a position in the class for which a list is to be established. The director may reject the application of any person for admission to a test or may strike the name of any person from a list or refuse to certify the name of any person on a list for a position if he finds that such person:

- (1) lacks any of the required qualifications;
- (2) is physically unfit to perform effectively the duties of the position in which he seeks employment;
- (3) is addicted to the habitual excessive use of drugs or

intoxicating liquor;

(4) has been convicted for a crime or guilty of any notoriously disgraceful conduct;

(5) has been dismissed from the public service for delinquency; or

(6) has made a false statement of a material fact or practiced or attempted to practice any fraud or deception in his application or test or in attempting to secure appointment.

*(Formerly: Acts 1941, c.139, s.17; Acts 1971, P.L.35, SEC.10.) As amended by Acts 1982, P.L.23, SEC.19.*

#### **IC 4-15-2-17**

##### **Notice of examination**

Sec. 17. (a) The director shall give adequate public notice of each entrance test, except as otherwise provided in section 26 of this chapter.

(b) The director may also advertise tests in professional and trade publications, post notices of the tests in schools and colleges, and employ any other methods of publicizing tests which he considers appropriate.

(c) This section does not apply to noncompetitive qualifying promotional examinations.

*(Formerly: Acts 1941, c.139, s.18; Acts 1949, c.235, s.7.) As amended by Acts 1982, P.L.23, SEC.20.*

#### **IC 4-15-2-18**

##### **Examination scoring; ratings; preferences**

Sec. 18. (a) The rating of each test shall be completed and the resulting list established not later than thirty (30) days after the date on which the test was held, unless such time is extended by the director for reasons which the director shall record in the official records of the department. The final earned rating of each person competing in any test shall be determined by the weighted average of the earned ratings of the test, according to weights for each phase established by the director in advance of the giving of the test. The names of all persons attaining the minimum final earned ratings established by the director in advance of the giving of the tests shall be placed upon the eligible list in order of their ratings. The names of persons who have indicated in writing that they are unwilling to accept appointment may be dropped from the list. All persons competing in any test shall be given written notice of their final earned ratings. Statements of former employers of the applicants shall be confidential. A manifest error in rating a test shall be corrected if called to the attention of the director, but such correction shall not invalidate any appointment previously made from such a list.

(b) In certification for appointment, in appointment, in reinstatement, and in reemployment in any state service, preference shall be given to former members of the military services of the United States who served on active duty in any branch of the armed

forces and who at no time received a discharge or separation under other than honorable conditions, except corrected separation or discharge to read "honorable" as evidenced by appropriate records presented from the United States Department of Defense or appropriate branch of the military service.

(c) Preference shall be given in the following priorities:

(1) Former members of the military service who have established the present existence of a service connected disability of ten percent (10%) or more, as evidenced by records of the United States Department of Veterans Affairs or disability retirement benefits as evidenced by laws administered by the United States Department of Defense.

(2) The spouse of such service connected disabled veterans and the unremarried spouse of deceased veterans.

(3) Those former members of the military service who are wartime veterans.

(4) Veterans of the military service who served more than one hundred eighty-one (181) days on active duty, regardless of when served.

(d) In all written examinations to determine the qualifications of applicants for entrance into state service:

(1) ten (10) points shall be added to the earned rating of persons taking competitive examination under subsection (c)(1) or (c)(2);

(2) five (5) points shall be added to the earned ratings of persons taking competitive examination under subsection (c)(3); and

(3) two (2) points shall be added to the earned rating of persons taking competitive examination under subsection (c)(4).

(e) All points specified in subsection (d) shall be added to the total combined test scores of the person and shall not be allocated to any single feature or part of the competitive examination. Rating shall be based on a scale of one hundred (100) points as the maximum attainable.

(f) When veterans preference in state service employment is limited to wartime veterans, this subsection applies for the purpose of defining "war":

(1) World War II - December 7, 1941, to December 31, 1946.

(2) Korean Conflict - June 27, 1950, to January 31, 1955.

(3) Viet Nam Conflict - August 5, 1964, to May 7, 1975.

(4) Actual combat or duty equally hazardous, regardless of time, or service in any foreign war, insurrection, or expedition, which service is recognized by the award of a service or campaign medal of the United States.

(5) Participation as a regularly assigned crew member of any military craft in a mission in support of a military operation, regardless of time, as designated by the armed forces of the United States.

(g) Active duty consists of:

(1) ninety (90) days or more wartime service;

- (2) ninety (90) days or more consecutive service which began or ended during wartime period;
- (3) ninety (90) days or more combined service in two (2) or more wartime periods;
- (4) service of less than ninety (90) days, if discharged for a disability in line of duty; or
- (5) service qualifying under subsection (f)(4) or (f)(5), which must be documented by appropriate records of the United States Department of Defense.

(h) In examinations where experience is an element of qualification, time spent in the armed forces of the United States shall be credited in a veteran's rating where the veteran's actual employment in a similar vocation to that for which the veteran is examined was interrupted by such service. In all examinations to determine the qualifications of a veteran applicant, credit shall be given for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received for the experience.

(i) In determining qualifications for examination, appointment, promotion, retention, transfer, or reinstatement, with respect to preference eligibles, the department shall waive requirements as to age, height, and weight, if the requirement is not essential to the performance of the duties of the position for which examination is given. The department, after giving due consideration to the recommendation of any accredited physician, shall waive the physical requirements in the case of any veteran, if the veteran is, in the opinion of the director, physically able to discharge efficiently the duties of the position for which the examination is given. No minimum educational requirement may be prescribed in any civil service examination except for such scientific, technical, or professional positions, the duties of which the department decides cannot be performed by a person who does not have such education. The director shall make a part of the department's public records the director's reasons for such decision.

(j) The names of preference eligibles shall be entered on the appropriate registers or lists of eligibles in accordance with their respective augmented ratings. The name of a preference eligible shall be entered ahead of all others having the same rating.

(k) The director shall adopt appropriate rules under IC 4-22-2 for the administration and enforcement of this section.

(l) In any reduction in personnel in any state service, competing employees shall be released in accordance with board regulations which shall give due effect to tenure of employment, military preference, length of service, and efficiency ratings. The length of time spent in active service in the armed forces of the United States of each such employee shall be credited in computing length of total service. Veteran's preference points shall be added to the retention score of a preference eligible. When any of the functions of any state agency are transferred to, or when any state agency is replaced by,

some other state agency or agencies, all preference employees in the function or functions transferred or in the agency replaced shall first be transferred to the replacing agency or agencies for employment in positions for which they are qualified, before the agency or agencies appoint additional employees from any other sources for such positions.

(m) Any preference eligible who has resigned may, at the request of any appointing officer, be certified for and appointed to any position for which the preference eligible has been a regular employee in the state service.

(n) Any preference eligible who has been furloughed or separated without delinquency or misconduct, upon request, shall have the preference eligible's name placed on all appropriate registers and employment lists, for every position for which the preference eligible's qualifications have been established.

(o) Applicants claiming preference of their own service must submit either:

- (1) original discharge or separation or certified copies or photostat copies of the originals;
- (2) an official statement from the United States Department of Defense showing record of service; or
- (3) an official statement from the United States Department of Veterans Affairs supporting the claim for disability.

*(Formerly: Acts 1941, c.139, s.19; Acts 1945, c.153, s.1; Acts 1971, P.L.35, SEC.11; Acts 1973, P.L.20, SEC.4; Acts 1974, P.L.9, SEC.1.) As amended by Acts 1978, P.L.2, SEC.410; Acts 1982, P.L.23, SEC.21; P.L.1-1990, SEC.32.*

#### **IC 4-15-2-19**

##### **Vacancies in classified service; certification of eligible persons**

Sec. 19. (a) Whenever an appointing authority proposes to fill a vacancy in the classified service, he shall submit to the director a statement showing the position to be filled, the duties of the position, and the necessary and desirable qualifications of the person to be appointed to the position, and shall request the director to certify the names of persons eligible for appointment to the position. The director shall then certify to the appointing authority the names of seven (7) persons eligible for the position, and if more than one (1) vacancy is to be filled, the names of two (2) additional persons eligible for each additional vacancy. Each time that the director determines that:

- (1) the appointing authority has made all reasonable efforts and has been unable to contact a person certified on the list; or
- (2) a person certified on the list is not available or not suitable for employment, under rules adopted by the director;

the director shall certify the name of an additional person to the appointing authority.

(b) The names certified shall be the highest ranking eligible persons willing to accept employment. Names shall be certified from each list in the order of their rank on that list. The appointing

authority may exercise his discretion in appointing any of the persons whose name was certified under this section.

*(Formerly: Acts 1941, c.139, s.20.) As amended by Acts 1982, P.L.23, SEC.22; P.L.12-1983, SEC.9.*

#### **IC 4-15-2-19.5**

##### **Individual with a disability; waiver of minimum qualifications and examination for disabled individuals with certification**

Sec. 19.5. (a) As used in this section, "individual with a disability" means an individual:

(1) with a physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual; or

(2) who:

(A) has a record of; or

(B) is regarded as;

having an impairment described in subdivision (1).

(b) Notwithstanding other provisions of this chapter, the director may waive minimum qualifications and an examination for an approved individual upon certification by an Indiana rehabilitation facility or the rehabilitation services bureau of the division of disability, aging, and rehabilitative services that the individual:

(1) is an individual with a disability; and

(2) possesses the required knowledge, skill, and ability to perform the essential functions of a position classification with or without reasonable accommodation or with special accommodation for supported employment.

(c) The names of applicants with a disability qualified under subsection (b) shall be certified with or in addition to the names certified on the eligibility list under section 19 of this chapter.

*As added by P.L.22-1991, SEC.1. Amended by P.L.2-1992, SEC.36; P.L.4-1993, SEC.3; P.L.5-1993, SEC.14.*

#### **IC 4-15-2-20**

##### **Repealed**

*(Repealed by Acts 1971, P.L.35, SEC.18.)*

#### **IC 4-15-2-21**

##### **Working test**

Sec. 21. (a) Every person appointed to a position in the classified service after certification of his name from a promotion list or an eligible list shall be tested by a working test while occupying the position. The period of the working test shall commence immediately upon appointment and shall continue for such time as shall be established by the director. At least once during the working test period and in such manner as the director may require, the appointing authority shall prepare for the director a full performance appraisal of the employee's work. At any time after the first two (2) months of an employee's working test period, the appointing authority may remove an employee, if, in the opinion of the appointing authority,

the working test indicates:

- (1) that the employee is unable or unwilling to perform his duties satisfactorily; or
- (2) that his habits and dependability do not merit his continuance in the position.

Upon such removal, the appointing authority shall immediately report to the director and to the employee removed his action and the reason for the action. No more than three (3) employees shall be removed successively from the same position during their working test periods without the approval of the director. The appointing authority may remove an employee within the first two (2) months of his working test period only with the approval of the director. The director may remove an employee during his working test period if he finds, after giving him notice and an opportunity to be heard, that the employee was appointed as a result of error or fraud.

(b) Prior to the expiration of an employee's working test period, the appointing authority shall notify the director in writing whether the services of the employee have been satisfactory and whether he will continue the employee in his position. A copy of the notice shall be given to the employee. No employee shall be paid for work performed after the expiration of his working test period unless, prior to the performance of the work, the appointing authority has notified the director that the employee will be continued in his position.

*(Formerly: Acts 1941, c.139, s.22.) As amended by Acts 1982, P.L.23, SEC.23; P.L.12-1983, SEC.10.*

#### **IC 4-15-2-22**

##### **Provisional appointment**

Sec. 22. When an appointing authority desires to fill a vacancy in the classified service, and the director cannot certify the required number of eligibles for such vacancy because there is no appropriate list or because there is not a sufficient number of persons on appropriate lists who are willing to accept appointment, the director may authorize the appointing authority to fill the vacancy by provisional appointment. A provisional appointee shall hold his position only until an appropriate list has been established and the required certification can be made. No provisional appointee shall hold his position for more than six (6) months. No provisional appointment shall be renewed, and no person shall receive more than one (1) provisional appointment in any twelve-month period.

*(Formerly: Acts 1941, c.139, s.23; Acts 1949, c.235, s.8.)*

#### **IC 4-15-2-23**

##### **Repealed**

*(Repealed by P.L.12-1983, SEC.25.)*

#### **IC 4-15-2-24**

##### **Reassignment**

Sec. 24. An appointing authority may at any time assign an employee from one position to another position in the same class or



rank in his division of the service. Upon making such an assignment the appointing authority shall immediately give written notice of his action to the director. A transfer of an employee from a position in one division of the service to a position in the same class or rank in another division of the service may be made with the approval of the director and of the appointing authorities of both divisions of the service. No employee shall be transferred from a position in one class to a position in another class of a higher rank or for which there are substantially dissimilar requirements for appointment unless he is appointed to the latter position after certification of his name from a list in accordance with this chapter. Any change of a regular employee from a position in one class to a position in a class of a lower rank shall be considered a demotion and shall be made only in accordance with the procedure prescribed by section 34 of this chapter for cases of dismissal. An employee thus demoted shall have the right to appeal under section 35 of this chapter. The removal of an employee from a promotional working test is not appealable unless the removal results in a dismissal or lay-off.

*(Formerly: Acts 1941, c.139, s.25.) As amended by Acts 1982, P.L.23, SEC.25.*

#### **IC 4-15-2-25**

##### **Resignations**

Sec. 25. Resignations from the classified service shall be subject to such rules as the director may prescribe. Any person who has resigned while in good standing from the classified service and whose resignation has been accepted may, at the discretion of the director, not later than two (2) years after the date of his resignation, have his name placed on the appropriate reemployment list by submitting a written request to the director.

*(Formerly: Acts 1941, c.139, s.26; Acts 1949, c.235, s.9.) As amended by Acts 1982, P.L.23, SEC.26.*

#### **IC 4-15-2-26**

##### **Unskilled or semiskilled labor**

Sec. 26. For positions involving unskilled or semiskilled labor, when the character or place of the work makes it impracticable to supply the needs of the service by appointments made in accordance with the procedure prescribed by this chapter, the director, subject to the rules, may adopt, or authorize the use of, such other procedures as he determines to be appropriate in order to meet the needs of the service, while assuring the selection of such employees on the basis of merit and fitness. Such procedures may include:

- (1) the testing of applicants and the maintenance of lists of eligibles by localities;
- (2) the testing of applicants, singly or in groups, at periodic intervals, at the place of employment or elsewhere after such notice as the director considers adequate;
- (3) the registration of applicants who pass a noncompetitive test or submit satisfactory evidence of their qualifications, and

appointment of registered applicants in the order of their application or by lot; or

(4) any variation or combination of the foregoing, or other suitable method.

*(Formerly: Acts 1941, c.139, s.27.) As amended by P.L.5-1984, SEC.70.*

#### **IC 4-15-2-27**

##### **Standards of performance and output**

Sec. 27. (a) In cooperation with appointing authorities, the director shall establish, and may from time to time amend, standards of performance and output for employees in each class of positions in the classified service or for groups of classes, and a system of service ratings based upon these standards. In such manner and with such weight as shall be provided in the rules, service ratings shall be considered:

(1) in determining salary increases and decreases within the limits established by law and by the pay plan;

(2) as a factor in promotion tests;

(3) as a factor in determining the order of lay-off when forces are reduced because of lack of funds or work, and the order in which names are to be placed on reemployment lists; and

(4) as a means of discovering employees who should be promoted, transferred, or who, because of their low-service value, should be demoted or dismissed.

In such manner and at such time as the rules may require, each appointing authority shall make and report to the director the service ratings of employees in his division of the service or such information as the director may request as a basis for determining the service ratings.

(b) All officers and employees of the state, shall, during usual business hours, grant to the members of the board, the director, and any agent or employee of the board designated by it or him, free access to the premises and records pertaining to personnel matters under their control and shall furnish them such facilities, assistance, and information as may be required in administering the provisions of this chapter.

*(Formerly: Acts 1941, c.139, s.28.) As amended by Acts 1982, P.L.23, SEC.27.*

#### **IC 4-15-2-28**

##### **Education and training of employees**

Sec. 28. The director, in cooperation with appointing authorities and other supervising officials, may establish programs for the training and further education of employees to the end that the quality of the service rendered by persons in the classified service may be continually improved and the employees may be prepared to take advantage of promotional opportunities.

*(Formerly: Acts 1941, c.139, s.29.)*

**IC 4-15-2-29****Hours of work; holidays; leaves of absence**

Sec. 29. The rules shall provide for the hours of work, holidays, attendance regulation and leaves of absence in the various classes of positions in the classified service. They shall contain provisions for annual, sick, and special leaves of absence with or without pay or with reduced pay, and may allow special extended leaves for employees disabled through injury or illness arising out of their employment, and the accumulation of annual and sick leaves.

*(Formerly: Acts 1941, c.139, s.30.)*

**IC 4-15-2-30****Reports; transfers; appointment; promotion**

Sec. 30. Every appointment, transfer, promotion, demotion, dismissal, change of salary rate, absence from duty, and other temporary or permanent changes in the status of employees in both the unclassified and the classified service shall be reported to the director at such time, in such form, and together with such supporting or pertinent information, as the director may prescribe. The director shall maintain a perpetual roster of all officers and employees in the unclassified service and the classified service, showing for each such person the title of the position held, his departmental or other agency assignment, his salary rate, date of appointment, complete employment history, and such other data as the director considers pertinent. The director shall also maintain such other personnel records as he may consider desirable or as the board shall direct, and shall make available to the governor, the general assembly, the budget director, department and institution executives, and other persons having a proper interest therein tabulations and analyses of such personnel data as he has available.

*(Formerly: Acts 1941, c.139, s.31.) As amended by Acts 1982, P.L.23, SEC.28.*

**IC 4-15-2-31****Payroll**

Sec. 31. (a) A public disbursing officer, auditing officer, or other fiscal officer of the state shall not draw, sign, or issue or authorize the drawing, signing, or issuing of any warrant or check upon the treasurer of state or another disbursing officer of the state for the payment of a salary or other compensation for personal services within the state service. The treasurer of state or another disbursing officer of the state shall not pay any salary or other compensation for personal services unless a payroll or account for the salary or other compensation containing the name of every person to be paid and the accounts to be paid to the person has been certified by the director or a person designated by the director to the effect that the persons named on the payroll or account are either in the unclassified service or have been appointed or otherwise established in their positions according to the provisions of this chapter, and that the payment of the amounts shown on the payroll or account will not violate the

provisions of the pay plan or the rules pertaining to the payment.

(b) Any payment violating the provisions of the pay plan or the rules pertaining to the payment, or made to a person appointed or established in the person's position in a manner contrary to the provisions of this chapter, may be recovered from the appointing authority, the director, or any officer or person making the payment, whichever is liable, or from the sureties on the official bond for the officer or person. Action for recovery may be maintained by the board or any member of the board, any officer or employee of the state service, or any citizen of the state. All money recovered under this section shall be paid into the state treasury. Any citizen may maintain a suit to restrain a disbursing officer from making any payment in contravention of any provision of this chapter or of any lawful rule or order under this chapter.

(c) Any person appointed or employed in contravention of any provision of this chapter or of any rule or order under this chapter who performs service for which the person is not paid shall have and may maintain an action against the officer or officers who purported so to appoint or employ the person to recover the agreed pay for services, or the reasonable value of the services if no pay was agreed upon. No officer shall be reimbursed by the state at any time for any sum paid to the person on account of the services.

(d) If the director wrongfully withholds certification of the payroll voucher or account of any employee, the employee may maintain a proceeding to compel the director to certify the payroll voucher or account.

*(Formerly: Acts 1941, c.139, s.32.) As amended by P.L.5-1984, SEC.71; P.L.1-1990, SEC.33.*

#### **IC 4-15-2-32**

##### **Layoffs; permanent status in lower class; reemployment lists**

Sec. 32. (a) An appointing authority may lay-off employees in the classified service whenever it is deemed necessary, due to shortage of work or funds, or the abolishment of a position, or other material change in duties or organization. For purposes of this section, offices and positions of employment in each county where the division of service operates is considered one autonomous unit and lay-off procedures will apply within the county affected by the lay-off. When a lay-off is necessary, the appointing authority will determine in which class or classes the lay-off or lay-offs will occur, the number of employees to be laid off within each affected class, the county or counties where lay-offs are to occur and give written notice to the director a reasonable time before the effective date of the lay-off. The director, in accordance with the rules, shall compute retention points to determine the order of lay-off within each county. The retention points will be computed as of the effective date of the lay-off and will reflect systematic consideration of seniority, service ratings, veterans' preference status, and employment status. The director shall provide the appointing authority with a written notice containing the names and retention points of employees to be laid off

in each county, and such orders relating to the lay-off as deemed necessary to secure compliance with this section.

(b) Any employee in the classified service who has been notified of pending lay-off and who has permanent status in a lower class has the right, provided they have more retention points, to displace within the same affected county, the employee with the least retention points in that lower class. Any employee in the classified service who has permanent status in a lower class and is displaced by another employee has the right, provided they have more retention points, to displace within the same affected county the employee with the least retention points in that lower class. This procedure shall continue until the employee with the least retention points in the lowest class, in the same affected county, of the same appointing authority has been reached, and if necessary, laid off. Should a layoff result in the closing of all offices in a county, any employee in the classified service who has been notified of pending lay-off and who has permanent status in the class from which they are laid off may, provided they have more retention points, displace within the division of service in any contiguous county the employee with the least retention points in that class.

(c) Employees who have been reduced or laid off will be placed on appropriate re-employment lists in accordance with rules established by the director. Those employees with the highest retention points in each affected class will be placed at the top of the list followed by employees ranked in descending order. An employee who is laid off will retain re-employment rights for a period of one (1) year from the lay-off date. During this one (1) year period, the appointing authority, for the division of service affected, shall not hire nor promote anyone into a class affected by the lay-off until all laid off employees on the re-employment list for that class have been reinstated or decline the position when it is offered. Employees who fail to respond within five (5) days, to a written offer sent to their last known address, will be deemed to have declined. Even though a lay-off applies only to affected counties, re-employment rights extend to all counties, and at the request of the laid off or reduced employee, their name will be placed on the appropriate re-employment list for any or all counties.

*(Formerly: Acts 1941, c.139, s.33; Acts 1949, c.235, s.10.) As amended by Acts 1981, P.L.35, SEC.1.*

#### **IC 4-15-2-33**

##### **Suspension**

Sec. 33. An appointing authority or his designee may, for disciplinary purposes, suspend without pay a regular employee in his division of the service for such length of time as he considers appropriate, not exceeding thirty (30) days in any twelve (12) month period. With the approval of the director a regular employee may be suspended for a longer period pending the administrative investigation or trial of any charges against him. If the outcome of the charges or trial of any charges is favorable to the employee, the

appointing authority shall reimburse the employee any lost wages and benefits for the suspension period less any wages the employee might have earned during the suspension period from other employment.

*(Formerly: Acts 1941, c.139, s.34; Acts 1949, c.235, s.11; Acts 1971, P.L.35, SEC.13.) As amended by Acts 1982, P.L.23, SEC.29.*

#### **IC 4-15-2-34**

##### **Dismissal**

Sec. 34. An appointing authority or his designee may dismiss for cause any regular employee in his division of the service. No dismissal of a regular employee shall take effect, unless, at least thirty (30) days before the effective date of the dismissal, the appointing authority or his designee gives to the employee a written statement of the reasons for the dismissal and files a copy of the statement with the director. During the thirty (30) day notice period the employee shall be suspended without pay pending dismissal. The employee shall have an opportunity to file with the appointing authority a written statement regarding the proposed dismissal, a copy of which shall be filed with the director. A regular employee who is dismissed shall have the right to appeal under section 35 of this chapter.

*(Formerly: Acts 1941, c.139, s.35; Acts 1967, c.339, s.1; Acts 1971, P.L.35, SEC.14; Acts 1973, P.L.20, SEC.5.) As amended by Acts 1982, P.L.23, SEC.30; P.L.153-1994, SEC.2.*

#### **IC 4-15-2-35**

##### **Appeal; complaint procedure**

Sec. 35. Any regular employee may file a complaint if his status of employment is involuntarily changed or if he deems conditions of employment to be unsatisfactory. However, the complaint procedure shall be initiated as soon as possible after the occurrence of the act or condition complained of and in no event shall be initiated more than thirty (30) calendar days after the employee is notified of a change in his status of employment or after an unsatisfactory condition of employment is created. Failure to initiate the complaint procedure within such time period shall render the complaint procedure unavailable to the employee. The following complaint procedure shall be followed:

Step I: The complaint procedure shall be initiated by a discussion of the complaint by the employee and his immediate supervisor and, if a mutually satisfactory settlement has not been made within two (2) consecutive working days, such complaint may be referred to Step II.

Step II: The complaint shall be reduced to writing and presented to the intermediate supervisor. If a mutually satisfactory settlement has not been reached within four (4) consecutive working days, such complaint may then be referred to the Appointing Authority.

Step III: The Appointing Authority or his designated representative shall hold such hearings and conduct such

investigations as he deems necessary to render a decision and shall make such decision in writing within ten (10) consecutive working days.

Should the appointing authority or his designated representative not find in favor of the employee, the complaint may be submitted within fifteen (15) calendar days to the state personnel director. The director or his designee shall review the complaint and render a decision within fifteen (15) calendar days. If the decision is not agreeable to the employee, an appeal may be submitted by the employee in writing to the commission no later than fifteen (15) calendar days from the date the employee has been given notice of the action taken by the personnel director or his designee. After submission of the appeal, the commission shall, prior to rendering its decision, grant the appealing employee and the appointing authority a public hearing, with the right to be represented and to present evidence. With respect to all appeals, the commission shall render its decision within thirty (30) days after the date of the hearing on the appeal. If the commission finds that the action against the employee was taken on the basis of politics, religion, sex, age, race or because of membership in an employee organization, the employee shall be reinstated to his position without loss of pay. In all other cases the appointing authority shall follow the recommendation of the commission which may include reinstatement and payment of salary or wages lost by the employee which may be mitigated by any wages the employee earned from other employment during a dismissed or suspended period.

If the recommendation of the commission is not agreeable to the employee, the employee, within fifteen (15) calendar days from receipt of the commission recommendation, may elect to submit the complaint to arbitration. The cost of arbitration shall be shared equally by the employee and the state of Indiana. The commissioner of labor shall prepare a list of three (3) impartial individuals trained in labor relations, and from this list each party shall strike one (1) name. The remaining arbitrator shall consider the issues which were presented to the commission and shall afford the parties a public hearing with the right to be represented and to present evidence. The arbitrator's findings and recommendations shall be binding on both parties and shall immediately be instituted by the commission.

*(Formerly: Acts 1941, c.139, s.36; Acts 1949, c.235, s.12; Acts 1967, c.339, s.2; Acts 1971, P.L.35, SEC.15; Acts 1973, P.L.20, SEC.6.) As amended by Acts 1981, P.L.36, SEC.1; P.L.153-1994, SEC.3.*

#### **IC 4-15-2-36**

##### **Services to municipalities and other political subdivisions of state**

Sec. 36. Subject to the rules, the director may enter into agreements with any municipality or political subdivision of the state to furnish services and facilities of the division to such municipality or political subdivision in the administration of its personnel on merit principles. Any such agreement shall provide for the reimbursement to the state of the reasonable cost of the services and facilities

furnished, as determined by the director. All municipalities and political subdivisions of the state are hereby authorized to enter into such agreements.

*(Formerly: Acts 1941, c.139, s.37.)*

#### **IC 4-15-2-37**

##### **Oaths; subpoenas**

Sec. 37. For the purpose of enforcing this chapter, the director and the several officers and authorized employees of the department shall have the power to administer oaths, conduct examinations, subpoena witnesses, and require the attendance of witnesses and the production of books, records, and papers, at any reasonable place in the county wherein such witness resides or wherein such books, records, or papers may be. All subpoenas shall be signed by the director. The circuit or superior court of such county shall compel obedience to such subpoenas and requests for the production of books, records, and papers, upon verified written application by the officer or employee conducting such examination, upon ten (10) days' notice, and a showing of the probable materiality of such books, records, and papers, or, in the case of a witness, that he is believed to be possessed of information material to the examination. It is unlawful to fail to appear in response to a subpoena, or answer any question, or produce any books or papers pertinent to any such investigation or hearing or to knowingly give false testimony therein.

*(Formerly: Acts 1941, c.139, s.38.) As amended by Acts 1978, P.L.2, SEC.411; Acts 1982, P.L.23, SEC.31.*

#### **IC 4-15-2-38**

##### **Failure to appear or testify; dismissal**

Sec. 38. If any employee in the state service shall willfully refuse or fail to appear before any court or judge, any legislative committee, or any officer, board or body authorized to conduct any hearing or inquiry, or having appeared shall refuse to testify or answer any question relating to the affairs or government of the state or the conduct of any state officer or employee on the ground that his testimony or answers would tend to incriminate him, or shall refuse to waive immunity from prosecution on account of any matter about which he may be asked to testify at any such hearing or inquiry, such refusal or failure shall be considered sufficient grounds for dismissal by the appointing authority.

*(Formerly: Acts 1941, c.139, s.39.)*

#### **IC 4-15-2-39**

##### **Repealed**

*(Repealed by P.L.19-1983, SEC.12.)*

#### **IC 4-15-2-40**

##### **Discrimination; political contributions and activity; candidates for public office; prohibitions and limitations**

Sec. 40. (a) In applying the provisions of this chapter or in doing



any of the things provided for in this chapter, no officer or employee shall give any weight whatsoever to political, religious or racial considerations. No person holding a position in the state service nor any member of the board shall be forced to make political contributions, nor be required to participate in any form of political activity whatsoever other than to express freely his views as a citizen and to cast his vote in any election.

(b) No person elected to state or federal public office may, during the term for which he was elected, be appointed to any position in the classified service.

(c) Any employee in the classified service who becomes a candidate for local office shall, upon request, be granted a leave of absence; any employee in the classified service who is elected to a state or federal public office shall be considered to have resigned from the service. This subsection does not apply to precinct committeemen, state or national party convention delegates, or candidates for these party positions.

*(Formerly: Acts 1941, c.139, s.41; Acts 1973, P.L.20, SEC.7.) As amended by Acts 1977, P.L.35, SEC.1; Acts 1982, P.L.23, SEC.32.*

#### **IC 4-15-2-41**

##### **False statements; payment for advantages; obstruction of examinees**

Sec. 41. (a) No person shall make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provision of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter and the rules.

(b) No person shall directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the classified service.

(c) No employee of the division, examiner, or other person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment under this chapter.

*(Formerly: Acts 1941, c.139, s.42.) As amended by P.L.5-1984, SEC.72.*

#### **IC 4-15-2-42**

##### **Violations; offense; ineligibility**

Sec. 42. (a) A person who knowingly violates this chapter commits a Class A misdemeanor.

(b) A person who is convicted of a crime under this chapter is ineligible for appointment to or employment in a position in the classified service.

*(Formerly: Acts 1941, c.139, s.43.) As amended by Acts 1978, P.L.2, SEC.412; Acts 1982, P.L.23, SEC.33.*

#### **IC 4-15-2-43**

**Construction of chapter; federal grants-in-aid**

Sec. 43. Nothing in this chapter shall be construed as operating in such way as to result in delay or stoppage of grants-in-aid to the state of Indiana by agencies of the federal government.

*(Formerly: Acts 1941, c.139, s.45.) As amended by Acts 1982, P.L.23, SEC.34.*

**IC 4-15-2-44**

**Repealed**

*(Repealed by P.L.12-1983, SEC.25.)*

**IC 4-15-2-45**

**Repealed**

*(Repealed by Acts 1982, P.L.23, SEC.40.)*

**IC 4-15-2-46**

**Repealed**

*(Repealed by Acts 1982, P.L.23, SEC.40.)*